

Appln. No. 10/776,721

Attorney Docket No. 8627-451
Client Reference No. PA-5376-RFB

II. Remarks

Claims 1-55 of the present application are pending. By this paper, claim 56 has been added. Claims 3 and 39 have been withdrawn. Claims 1-2, 4-38, and 40-55 have been rejected. By the amendments and remarks provided herewith, the Applicant respectfully requests reconsideration and withdrawal of all rejections and objections. Support for the amendments is found in Applicant's specification as originally filed, specifically, in Figs. 2-8 and paragraph [0028].

Responsive to the rejections of claims 1, 2, 4, 6-8, 10, 12, 14, 17-22, 24-26, 28, 30, 32, 35-38, 40, 42-44, 46, 48, 50, and 53-55 under 35 U.S.C. §102(b) as being anticipated by, or in the alternative, under 35 U.S. C. § 103(a) as being obvious over, U.S. Patent No. 6,258,026 to Ravenscroft et al. (*Ravenscroft*), *Ravenscroft* fails to teach each and every element as set forth in the invention as claimed in each of the independent claims 1, 20, and 38. For example, each of claims 1, 20, and 38 recites that each primary strut has a curved member extending from the central axis of the filter and at least one secondary strut *connected to a curved member of a primary strut*. *Ravenscroft* fails to teach such limitation in its written description and figures. To the contrary, *Ravenscroft* does not show the arms 18 connected to a curved member. In *Ravenscroft*, each wire is held together at the filter trailing end by a hub 12 where they are plasma welded together and to the hub or otherwise joined. FIG. 5 appears to be a poor drawing with virtually no explanation, and thus it is not clear whether FIG. 5 shows anything different than FIG. 1 shows with regard to the arms 18. Thus, it is not clear that the arms 18 are connected to the legs 26, but assuming merely for the sake of argument that the arms 18 are connected to the legs 26 in FIG. 5, the legs 26 have bends, but no curves. Thus, *Ravenscroft* fails to teach each and every element of the invention as claimed in independent claims 1, 20, and 38.

Claims 2, 4, 6-8, 10, 12, 14, 17-19, 21, 22, 24-26, 28, 30, 32, 35-37, 40, 42-44, 46, 48, 50, and 53-55 depend generally from one of claims 1, 20, and 38. Thus, claims 2, 4, 6-8, 10, 12, 14, 17-19, 21, 22, 24-26, 28, 30, 32, 35-37, 40, 42-44, 46, 48, 50, and 53-55 are allowable for at least the reasons provided above.

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Responsive to the rejections of claims 11, 13, 15, 16, 29, 31, 33, 34, 47, 49, 51, and 52 under 35 U.S.C. §103(a) as being unpatentable over *Ravenscroft*, *Ravenscroft* fails to teach each and every element as set forth in the invention as claimed in independent claims 1, 20, and 38. Each of claims 11, 13, 15, 16, 29, 31, 33, 34, 47, 49, 51, and 52 depend from one of claims 1, 20, and 38, and thus, each of these claims is allowable for at least the reasons provided above.

Responsive to the rejection of claims 1, 2, 4-38, and 40-55 under 35 U.S.C. §103(a) as being unpatentable over *Ravenscroft* in view of U.S. Patent No. 6,540,767 to Walak et al. (*Walak*), *Ravenscroft* and *Walak* fail to render independent claims 1, 20, and 38 unpatentable because these references, even in combination, fail to teach each and every element of the claimed invention, and further, because *Walak* teaches away from the combination suggested by the Examiner.

For example, each of claims 1, 20, and 38 recites that each primary strut has a curved member extending from the central axis of the filter and at least one secondary strut *connected to a curved member of a primary strut*. *Ravenscroft* fails to teach such limitation in its written description and figures, as stated above in further detail. *Walak* also fails to teach such limitation. The Examiner has stated that Figure 15 of *Walak* shows the struts of a filter being gently curved. However, Figure 15 fails to teach the limitation of *a secondary strut being connected to the curved member*. Thus, *Ravenscroft* and *Walak* fail to teach each and every element of the invention as claimed in each of independent claims 1, 20, and 38.

Further, *Walak* teaches away from combining the secondary struts of *Ravenscroft* with Figure 15 of *Walak*. *Walak* shows in Figures 1 and 2 secondary struts being attached at a hub. *Walak* fails to teach that secondary struts are connected to any other portion of the filter, such as to the curved branches of Figure 15. Since *Walak* shows a multitude of embodiments without showing secondary struts connected to any other portion of the filter beside the hub, *Walak* teaches away from attaching secondary struts to a curved portion of a primary strut. In view of the foregoing, Applicant respectfully submits that independent claims 1, 20, and 38 are patentable and allowance is requested.

BRINKS
HOFFER
GILSON
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Claims 2, 4-19, 21-37, and 40-55 depend generally from one of independent claims 1, 20, and 38. Thus, claims 2, 4-19, 21-37, and 40-55 are allowable for at least the reasons provided above.

In addition, claims 2 and 21 are currently amended to further define over the art of record. Claims 2 and 21 now recite that the removable filter has a greater number of secondary struts than primary struts. Support for this amendment is found in the specification as originally filed; for example, Figure 3 shows four primary struts 12 and eight secondary struts 14. The cited art does not show a greater number of secondary struts than primary struts. For these reasons, and the reasons stated above with reference to claims 1 and 20, claims 2 and 21 are patentable over the art of record and such action is requested.

New claim 56 has been added. Support for this amendment is found in Figs. 2-8 of the specification as originally filed, and most evidently in Fig. 7. Claim 56 depends generally from independent claim 1. Thus, claim 56 is allowable for at least the reasons provided above.

Thus, claims 1, 2, 4-38, and 40-56 are in condition for allowance and such action is earnestly solicited.

9-6-07
Date

Respectfully submitted,

Bonnie R. Shaw
Bonnie R. Shaw (Reg. No. 60,493)

BRINKS
HOFER
GILSON
ALIONE